

*Bruce T. Beesley*

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
January 22, 2014

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and PN II, INC. dba PULTE HOMES  
OF NEVADA

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

IN RE: )  
EXECUTIVE PLASTERING, INC., )  
Debtor. )

**CASE NO: 09-33776-btb**  
**CHAPTER 7**

**ORDER GRANTING MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

**Hearing Date: 1/21/14**  
**Hearing Time: 10:00 a.m.**

This matter having been heard on the 21st day of January, 2014; the Court having reviewed and considered the Motion for Relief from Stay filed November 13, 2013, (hereinafter "the Motion") brought by DEL WEBB COMMUNITIES, INC., PN II, INC., and PN II, INC. dba PULTE HOMES OF NEVADA, (hereinafter collectively referred to as "Movants") for an order, pursuant to 11 USC 362(d) of the Bankruptcy Code; appearances having been noted on the record; arguments made by counsel; and with the findings of the

1 Court having been made on the record and incorporated herein;

2 And notice of the Motion having been provided to the Office of the United States  
3 Trustee for the District of Nevada and other interested parties;

4 And it appearing that no other or further notice of the Motion need be provided;

5 And good and sufficient cause appearing therefor;

6 **IT IS HEREBY ORDERED** that the Motion to allow Movants to proceed against the  
7 Debtor and its insurance carriers in the following cases for the purpose of establishing liability  
8 against Debtor is GRANTED as to the following cases:

9 1. *Atkins v. Del Webb Communities, Inc. & PN II, Inc.*; Pre-Litigation;

10 2. *Jurich, et al. v. PN II, Inc. dba Pulte Homes of Nevada*, Clark County District  
11 Court Case No. A672734;

12 3. *Madeira Canyon v. PN II, Inc. dba Pulte Homes of Nevada*; Pre-Litigation; and

13 4. *Roy & Mary Wing v. Del Webb Communities, Inc. & PN II, Inc.*, Clark County  
14 District Court Case No. A683600.

15 3. All additional claims brought pursuant to Nevada Revised Statute 40.600 *et seq.*  
16 Claims of Construction Defect that have not been specifically set forth in this Motion involving  
17 claims asserted against Movants for work performed by Debtor.

18 **IT IS FURTHER ORDERED** that relief from stay is subject to the following limits:

19 1. Movants waive their right to funds in the bankruptcy estate and look only to  
20 insurance proceeds;

21 2. The Trustee has no obligation to assist in the defense of any such case  
22 establishing liability against Debtor, for the purpose of recovering associated insurance  
23 proceeds;

24 3. Insurance carriers will not look to the bankruptcy estate to pay for costs of  
25 defense; and

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1 4. Insurance carriers will defend in accordance with their policies of insurance.

2 Prepared and respectfully submitted by:

3 DATED this 21<sup>st</sup> day of January, 2014.

4 KOELLER NEBEKER CARLSON &  
5 HALUCK, LLP

6  
7 BY: 

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15 DEL WEBB COMMUNITIES, INC, PN  
16 II, INC., and PN II, INC. dba PULTE  
17 HOMES OF NEVADA  
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**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

☐ The court has waived the requirement of approval under LR 9021.

☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

David Krieger, Esq.	_____	Approve
Hanes & Krieger, LLC		
1020 Garces Avenue, Suite 100		
Las Vegas, NV 89101	_____	Disapprove

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated:

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.